

TENTATIVE RULINGS for CIVIL LAW and MOTION
December 2, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **Chu v. Wang**

Case No. CV G 08-1792

Hearing Date: **December 2, 2009** **Department Fifteen** **9:00 a.m.**

Defendant Alice Wang's motion for summary judgment or, in the alternative, summary adjudication is **GRANTED**. (Code Civ. Proc., § 437c, subd. (p).) Defendant has shown that Plaintiff is not the owner of the subject vehicle and therefore, lacks standing to bring this action. Plaintiff failed to submit admissible evidence to show that she suffered injury as a result of Defendant's negligence. Therefore, Plaintiff failed to show that there is a triable issue of fact concerning her standing as the real party in interest. (Code Civ. Proc., § 367; *Greco v. Oregon Mut. Fire Ins. Co.* (1961) 191 Cal.App.2d 674, 687; Defendant's Undisputed Material Facts 1-4.)

Plaintiff's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendant's objections to plaintiff's evidence numbers one to nine are **SUSTAINED**. (Evid. Code, §1400; Code Civ. Proc., §2015.5.) Defendant's objection to plaintiff's evidence number ten is **OVERRULED**.

If no hearing is requested, this tentative ruling is effective immediately. Defendant is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c, subdivision (g) and California Rules of Court, rule 3.1312.

TENTATIVE RULING

Case: **In re Trinidad Murillo**
Case No. CV PT 09-2451

Hearing Date: **December 2, 2009** **Department Fifteen** **9:00 a.m.**

The response filed on November 19, 2009, is not supported by a declaration. Trinidad Murillo must submit competent evidence in support of the facts stated in her response to the petition at bar.

The Court is concerned about whether undisclosed deductions will be made to the proceeds to be paid to Trinidad Murillo under the Purchase Agreement and the non-payment of Mrs. Murillo's attorney's fees. Accordingly, the petitioner is directed to file a written response to the response Trinidad Murillo filed on November 19, 2009. Petitioner's response shall be filed by no later than noon on Monday, December 7, 2009.

This matter is **CONTINUED** on the Court's own motion to Thursday, December 10, 2009, at 9:00 a.m. in Department Fifteen.